

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

MALIBU MEDIA, LLC,)
)
Plaintiff,) 1:13-cv-00205-WTL-MJD
)
v.)
)
KELLEY AND N. CHARLES TASHIRO,)
)
Defendants.)

**ORDER ON DEFENDANT N. CHARLES TASHIRO'S MOTION FOR
LEAVE TO FILE MOTION FOR ENTRY OF PROTECTIVE ORDER
UNDER SEAL**

This matter comes before the Court on Defendant Charles N. Tashiro's Motion for Leave to File Motion for Entry of Protective Order Under Seal. [Dkt. 230.] Rule 26 of the Federal Rules of Civil Procedure allows for the filing of documents under seal for "good cause." Fed. R. Civ. P. 26. "The determination of good cause cannot be elided by allowing the parties to seal whatever they want." *Citizens First Nat. Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999). The public "at large pays for the courts and therefore has an interest in what goes on at all stages of a judicial proceeding." *Id.* The judge is thus "duty-bound" to "review any request to seal the record." *Id.*

When information is filed with a court, it may "influence or underpin the judicial decision" and is therefore "open to public inspection unless" the information "meets the definition of trade secrets or other categories of bona fide long-term confidentiality." *Baxter Int'l, Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir. 2002). A motion asking to seal such information has "no prospect of success" unless it analyzes "in detail, document by document, the propriety of secrecy, providing reasons and legal citations." *Id.* at 548. General assertions that the information is "commercial" or otherwise sensitive will not suffice. *Id.* at 546.

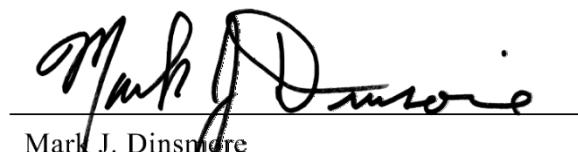
With regard to the instant motion, no basis whatsoever is provided for sealing the document in question. Rather, the motion makes the following bald statements, entirely devoid of explanation:

Defendant has good cause to seek a protective order. In his Motion for Entry of Protective Order, he has set forth information that is appropriate for the Court's consideration under seal.

The Defendant is confident that the Court will find that the motion should remain under seal.

[Dkt. 230 ¶¶ 1-2.] Given that the document Defendant seeks to file under seal is a motion, which by its very nature as a request for the Court to take some action would "influence or underpin the judicial decision," the unsupported nature of Defendant's request is wholly insufficient. Accordingly, Defendant Charles N. Tashiro's Motion for Leave to File Motion for Entry of Protective Order Under Seal [Dkt. 230] is **DENIED**.

Dated: 04/28/2015



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

To counsel of record via ECF

